

JUL 31 2006



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TO:	FROM:
Examiner: Joshua JOO	Sumit Bhattacharya
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PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	Intel 2207/11666
RE:	YOUR REFERENCE NUMBER:
Application No.: 09/891,167	Group Art Unit: 2154

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REPLY BRIEF

1. Fax Cover Sheet (1)
 2. Reply Brief (4)
- Total: (5) pages

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Patent

Attorney Docket No.: Intel 2207/11666
Assignee: Intel Corporation
Group No.: 2100**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Andy L. RUSE et al.
SERIAL NO. : 09/891,167
FILED : June 26, 2001
FOR : SYSTEM, METHOD AND COMPUTER PROGRAM
FOR MESSAGE DELIVERY BASED ON A TREND
ANALYSIS
GROUP ART UNIT : 2154
EXAMINER : Joshua JOO

VIA FACSIMILE

M/S: APPEAL BRIEFS - PATENTS
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Dated: July 31, 2006

Signature


Barbara Vance**ATTENTION: Board of Patent Appeals and Interferences****REPLY BRIEF UNDER 37 C.F.R. §1.193**

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed in this case on May 30, 2006.

Appellant submits this Reply Brief to address issues raised in the Examiner's Answer.

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REMARKS

Applicants respectfully submit the conclusions in the Examiner's Answer are erroneous for at least the following reasons.

First, the Examiner asserts Singh teaches multiple devices capable of transmitting and receiving data (column 2, lines 59-62; column 3, lines 22-21) and associated with an address (column 4, lines 20-24), therefore an identifiable location, i.e., wireless communication device, office computer or home computer (column 2, lines 64-66). It further asserts by monitoring which device was used to access the incoming message, the host server is essentially identifying the location of where the incoming message was accessed as well. *See* Examiner Answer dated 5/30/2006, pages 8-9.

Applicants disagree. As argued in the Appeal Brief, Applicants maintain the ability to determine receipt of messages from one of multiple sources is not the equivalent of determining *the location* where the signal is coming from. In other words, just because the multiple sources are capable of sending messages, that does not mean the Singh system is capable of monitoring anything other than *access time and date* of the messages (the only things the Singh system *does* monitor). *See* column 3 line 18-31. When Singh describes the monitoring process over the multiple devices, it is merely monitoring the access time and date. However, as argued in the Appeal Brief, in order to monitor the location of access, the Singh reference must, for example, describe an ability to *identify a device* and its *location*. The Singh reference does not describe or discuss any such capability.

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Second, the Examiner asserts since a host server maintains the record of the time the message was accessed by a subscriber for each device, this is interpreted as maintaining a record of which device, *i.e., address*, the client use to access the message (*emphasis added*). See Examiner's Answer dated 5/30/2006, page 8. As argued above, the Singh system is capable of monitoring *access time and date* of the messages by a *device*. That the *device* may be also characterized by its electronic *address* does not mean that the system is anymore capable of determining *the location* where the signal is coming from. The Examiner's attempt to equate a electronic *address* of a device with a *location* as described in embodiments of the present application is improper. ("For the host server to be able to transmit a message to a device, the host server must be able to identify the device and its location. If the host server could not identify a location as argued by the Appellant, the host server would then be unable to forward messages.") Singh clearly merely describes the use of electronic addresses to forward messages; to equate this with "identify[ing] a location" is improper and inadequate to support a proper rejection of the claims of the present application.

Finally, Applicants maintain the Examiner has taken the generic concept of "responses to paged messages" allegedly disclosed in Lemelson and combined it in an ad hoc fashion to out-of-context, incomplete portions of Singh to form the basis of its rejection. Therefore, Applicants respectfully submit that there is no suggestion or motivation to combine Singh and Lemelson beyond the impermissible use of hindsight.

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JUL 31 2006**CONCLUSION**

For at least these reasons, the Claims 1-18 are believed to be patentable over the cited references, individually and in combination. Withdrawal of the rejections is, therefore, respectfully requested.

Appellants therefore respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's decision rejecting claims 1-18 and direct the Examiner to pass the case to issue. The Examiner is hereby authorized to charge any additional fees which may be necessary for consideration of this paper to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

Date: July 31, 2006

By: 

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